

IN THE COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE JURISDICTION
NOTICE OF MOTION NO. 641 OF 2006
IN
WRIT PETITION NO.2741 OF 2006

Rashtriya Chemicals & Fertilizers Ltd ...Petitioners
VS.
Shri Vishal Sharma ...Respondents

Ms.Swati Deshpande i/by.M.S.Bodhanwalla & Co.
for the petitioner.
R.D.Bhatt for the respondents in support of N/M.

CORAM: S.C. DHARMADHIKARI, J.
29th January, 2007.

P.C :-

1. Heard Mr.Bhatt appearing for the respondent in support of this Motion and Mrs.Deshpande for the original Respondent.
2. This Notice of Motion is for modification of an

order dated 6.3.2006 passed in Notice of Motion No.674 of 2005.

3. It is undisputed position that Notice of Motion No. 674 of 2005 was by the Respondent in the pending Writ Petition of the petitioner employer seeking direction to the employer to abide by the mandate of Section 17(B) of the Industrial Disputes Act, 1947.

4. However, undisputed fact is that on 6.3.2006 an order was passed by this court on the Notice of Motion and the petitioner employer was directed to deposit monthly sum of Rs.1500/- with effect from 1.12.2005

5. Mr.Bhatt, for the respondent, submits that for collecting the sum of Rs.1500/- deposited by the petitioner employer in this court per month, the Respondent has to come all the way for withdrawal.

6. After hearing Mr.Bhatt and Mrs.Deshpande for some time and noting the agreement of the parties, that the monthly instalment would be paid to the

Respondent workmen directly. No orders are necessary in so far as the first prayer in the Notice of Motion is concerned.

7. As far as the second prayer is concerned, it is not necessary for me at this stage, to go into the rival contentions. The order need not be modified. The requirement of undertaking as mentioned in para 2 of the order passed by this court and its consequences in law are matters which are kept open for being agitated at the final hearing of this petition.

8. In the above circumstances, Notice of Motion is made absolute in terms of prayer clause a(i). Needless to state, that the amount which is deposited in the court by the petitioner employer be paid over to the respondent upon his execution of the undertaking in terms of the order dated 6.3.2006. Mr.Bhatt states that such undertaking would be filed within a period of ten days from today.

9. The future payment must be made in accordance

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with this order i.e. directly to the respondent.

sd/-

(S.C.DHARMADHIKARI, J)